

7,272,572 B1

09/724,744

September 18, 2007

John Thaddeus Pienkos

On the cover page, beneath the line stating "(22) Filed: Nov. 28, 2000": Add  
--Related U.S. Application Data

(60) Provisional application No. 60/190,770, filed on Mar. 20, 2000.--. **OK**

On Page 2, in the seventeenth line of column 1 following the heading OTHER PUBLICATIONS: Replace  
"Young's investment" with --Young's investment--.

On Page 2, in the second-to-last line of column 1: Replace "Achievers" with --Achieves--. **OK**

On Page 3, in the fifth line of column 1: Replace "Discovered" with --Discarded--.

On Page 3, in the seventh line of column 1: Replace "Services" with --Service--.

On Page 3, in the nineteenth line of column 1: Replace "P.Co" with --P.C.--.

On Page 3, in the third-to-last line of column 1: Replace "involving" with --including--.

On Page 3, in the twenty-second line of column 2: Replace "www2xfr.com" with --www.2xfr.com--.

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Whitefish Bay, Wisconsin 53217

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09/724,744

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On Page 3, prior to "\* cited by examiner": Add

--"The Making of a Cash Machine", Intellectual Asset Management, Dec./Jan. 2007, p. 33-8. 1

Web pages from the U.S. Patent and Trademark Office website regarding listing of patents for sale or license in the Official Gazette (OG), obtained at [www.uspto.gov](http://www.uspto.gov), printed on January 19, 2007, 3 pages. 2

Web pages of Shop4patents.com, obtained at [www.shop4patents.com](http://www.shop4patents.com), printed on January 19, 2007, 2 pages. 3

Web pages of Free Patent Auction, obtained at [www.freepatentauction.com](http://www.freepatentauction.com), printed on January 19, 2007, 4 pages. 4

Web pages of Idea Trade Network, obtained at [www.newideatrade.com](http://www.newideatrade.com), printed on January 19, 2007, 3 pages. 5

"New Lawsuits", Techno Bytes, Intellectual Property Today, May, 2005, page 18. 6

"The Copyright & Patent Wars", Jim Pinto, obtained at [www.automation.com](http://www.automation.com), printed on January 18, 2007, original publication date unknown, 4 pages. 7

"GE Fanuc Settles With Solaia Over '318 Patent", obtained at [www.managingautomation.com](http://www.managingautomation.com), dated March 10, 2005, printed on January 18, 2007, 2 pages. 8

"Ebay v. MercExchange: The Law of Patent Injunctions", obtained at [patentlaw.typepad.com/patent](http://patentlaw.typepad.com/patent), dated 3/14/06, printed 1/22/07, 10 pgs. 9

"Delphion Updates Web Site, Enables Access to Derwent World Patents Index", Nancy Lambert, dated March 19, 2001, obtained at [newsbreaks.infotoday.com](http://newsbreaks.infotoday.com), printed January 22, 2007, 2 pages. 10

"Available Patents and Licensing Information", obtained at [flcmidatlantic.org](http://flcmidatlantic.org), printed on January 22, 2007, 3 pages. 11

Web pages of Davison, Inc., obtained at [www.davison54.com](http://www.davison54.com), printed on January 23, 2007, 4 pages. 12

Web page of M.CAM, Inc., obtained at [www.m-cam.com](http://www.m-cam.com), printed on January 22, 2007, 1 page. 13

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John Thaddeus Pienkos

"The "Capital Gang-What's the State of Capital in the State Capital?", dated May 17, 1999, obtained at [www.dominionpartners.com](http://www.dominionpartners.com), printed on January 22, 2007, 4 pages.

Biography of Dr. David E. Martin, speaker at "Ten Years Hence" speaker series at Univ. of Notre Dame, obtained at [www.nd.edu](http://www.nd.edu), printed on January 22, 2007, 2 pgs.

"Measuring Innovation: ipiQ Releases the 2006 Patent Scorecard", dated May 10, 2006, obtained at [www.prweb.com](http://www.prweb.com), printed on January 23, 2007, 2 pgs.

"IPotential Launches Patent Brokerage Services, Bringing Liquidity to Patent Marketplace", BusinessWire, dated July 27, 2005, obtained at [www.findarticles.com](http://www.findarticles.com), printed on January 23, 2007, 2 pgs.

"Get it now from Ebay, hostage to the patent trolls", Patti Waldmeir, FT.com, dated March 16, 2006, printed 1/22/07, 2pgs.

"Battle over Blackberry: Is the U.S. Patent System Out of Whack?", dated March 16, 2006, Knowledge @ Wharton, printed January 27, 2007, 5 pages.

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"Profile: When Acacia comes knocking", Managing Intellectual Property, dated February 2007, printed 2/15/07, 4 pgs.

Search results page from Internet Archive Wayback Machine regarding [www.acaciaresearch.com](http://www.acaciaresearch.com), obtained at web.archive.org on 2/17/07, 1 page.

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Web pages of University Technologies International, obtained at [www.uti.ca](http://www.uti.ca), printed 2/15/07, 4 pgs.

Search results page from Internet Archive Wayback Machine regarding [www.uti.ca](http://www.uti.ca), obtained at web.archive.org, on 2/17/07, 1 pg.

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- 26 Web pages of University Technologies Int'l Inc., supposedly dated 1/25/1999 according to Internet Archive Wayback Machine, obtained at [web.archive.org](http://web.archive.org), printed on 2/17/07, 5 pgs.
- 27 Web pages of University Technologies Int'l Inc., supposedly dated 2/18/1997 according to Internet Archive Wayback machine, obtained at [web.archive.org](http://web.archive.org), printed on 2/17/07, 6 pgs.
- 28 Web pages of University Technologies Int'l Inc., supposedly dated 3/3/00 according to Internet Archive Wayback Machine, obtained at [web.archive.org](http://web.archive.org), printed on 2/17/07, 7 pgs.
- 29 Web pages of Rembrandt IP Management LLC, obtained at [www.rembrandtfund.com](http://www.rembrandtfund.com), printed 2/15/07, 4 pgs.
- 30 Web pages of 1790 Analytics LLC, obtained at [www.1790analytics.com](http://www.1790analytics.com), printed 2/15/07, 2 pgs.
- 31 Web pages of The Patent Board, obtained at [www.patentboard.com](http://www.patentboard.com), printed 2/15/07, 5 pgs.
- 32 Web pages of Research Corporation Technologies, obtained at [www.rctech.com](http://www.rctech.com), printed on 2/15/07, 3 pgs.
- 33 Search results page from Internet Archive Wayback Machine regarding [www.rctech.com](http://www.rctech.com), obtained at [web.archive.org](http://web.archive.org) on 2/17/07, 1 pg.
- 34 Web pages of Research Corporation Technologies, supposedly dated 12/2/98 according to Internet Archive Wayback machine, obtained at [web.archive.org](http://web.archive.org), printed on 2/17/07, 11 pgs.
- 35 Web pages of Research Corporation Technologies, supposedly dated 12/30/96 according to Internet Archive Wayback Machine, obtained at [web.archive.org](http://web.archive.org), printed on 2/17/07, 4 pgs.
- 36 Web pages of Research Corporation Technologies, supposedly dated 11/17/00 according to Internet Archive Wayback machine, obtained at [web.archive.org](http://web.archive.org), printed on 2/17/07, 12 pgs.
- 37 Web pages of Research Corporation Technologies, supposedly dated 4/27/1999 according to Internet Archive Wayback machine, obtained at [web.archive.org](http://web.archive.org), printed on 2/17/07, 11 pgs.
- 38 Web pages of BTG, obtained at [www.btgplc.com](http://www.btgplc.com), printed on 2/15/07, 5 pgs.
- 39 Search results page from Internet Archive Wayback machine regarding [www.btgplc.com](http://www.btgplc.com), obtained at [web.archive.org](http://web.archive.org) on 2/17/07, 1 pg.

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- 40 "Intellectual Property Monetization", presentation dated 2005, Russell Barron, 8 pgs.
- 41 "Latest Trends in IP Management", presentation dated 11/15/2006, Russell Barron, 12 pgs.
- 42 Web pages of Solaia Technology LLC, obtained at [www.solaia.com](http://www.solaia.com), printed 2/17/07, 2 pgs.
- 43 Web pages of WARF (Wisconsin Alumni Research Foundation), obtained at [www.warf.org](http://www.warf.org), printed on 2/16/07, 15 pgs.
- 44 Web pages of ThinkFire, obtained at [www.thinkfire.com](http://www.thinkfire.com), printed on 2/17/07, 2 pgs.
- 45 Home page of InterDigital Communications, obtained at [www.interdigital.com](http://www.interdigital.com), printed on 2/17/07, 1 pg.
- 46 Home page of Gemstar-TV Guide International, obtained at [www.gemstartvguide.com](http://www.gemstartvguide.com), printed on 2/17/07, 1 pg.
- 47 Home page of Thomson Corp., obtained at [www.thomson.com](http://www.thomson.com), printed on 2/17/07, 1 pg.
- 48 Home page of Thomson SA, obtained at [www.thomson.net](http://www.thomson.net), printed on 2/17/07, 1 pg.
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- 50 Web pages of Alliacense/TPL Group, obtained at [www.alliacense.com](http://www.alliacense.com), 3 pages, printed on 3/9/07.
- 51 Web page of Immersion Corporation, obtained at [www.immersion.com](http://www.immersion.com), 1 page, printed on 3/9/07.
- 52 Web pages of DoD TechMatch, obtained at [www.dodtechmatch.com](http://www.dodtechmatch.com), 2 pages, printed on 3/12/07.
- 53 Home page of Mosaid Technologies Inc., obtained at [www.mosaid.com](http://www.mosaid.com), printed on 5/18/07, 1 page; [www.mosaid.com](http://www.mosaid.com).
- 54 Web page regarding "Our Team" of Telaric Ideas, obtained at [www.telaricideas.com/team.htm](http://www.telaricideas.com/team.htm), printed on 5/18/07, 1 page; [www.telaricideas.com](http://www.telaricideas.com).
- 55 Home page of Wi-LAN, Inc., obtained at [www.wi-lan.com](http://www.wi-lan.com), printed on 5/18/07, 1 page; [www.wi-lan.com](http://www.wi-lan.com).
- 56 Web pages of SnapNames, obtained at [www.snapnames.com](http://www.snapnames.com), printed on 5/18/07, 2 pages; [www.snapnames.com](http://www.snapnames.com);
- 57 Web page regarding Bowie Bonds, obtained at [en.wikipedia.org/wiki/Bowie\\_Bonds](http://en.wikipedia.org/wiki/Bowie_Bonds), printed on 5/18/07, 1 page; [en.wikipedia.org/wiki/Bowie\\_Bonds](http://en.wikipedia.org/wiki/Bowie_Bonds).

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58 "Patent Pirates", obtained at [www.forbes.com/forbes/2007/0507/044-print.html](http://www.forbes.com/forbes/2007/0507/044-print.html) (alternatively at [www.forbes.com/free\\_forbes/2007/0507/044.html?partner=yahoomag](http://www.forbes.com/free_forbes/2007/0507/044.html?partner=yahoomag)), dated 5/7/07, printed on 5/18/07, 2 pages.--

At column 14, line 35: Replace "visitor is an IPIB" with --visitor is an IP--. OK

At column 14, line 45: Replace "nature of the IPIB" with --nature of the IP--. OK

At column 19, line 29: Replace "time as an IPIB" with --time is an IP--. OK

At column 24, line 14: Replace "rights to IPIB" with --rights to IP--. OK

In claim 15, at column 32, line 19, prior to "retrieve": Delete "and". OK

In claim 17, at column 32, line 30: Replace "," with --:--. OK

In claim 18, at column 32, line 48: Replace "Web" with --web--. OK

In claim 18, at column 32, line 55: Replace "(b) receiving" with --(b) receiving--. OK

In claim 20, at column 34, line 1: Replace "(b) receiving" with --(b) receiving--. OK

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PTO/SB/02b (09-06)  
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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 4 Attorney Docket Number —

Complete if Known

Application Number 09/724,744  
Filing Date 11/28/00  
First Named Inventor PIENKOS, JOHN T.  
Art Unit 3625  
Examiner Name ZURITA, JAMES H.

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.†	include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume/issue number(s), publisher, city and/or country where published.	P <sup>2</sup>
JZ	—	"The Making of a cash machine" Intellectual Asset Management, Dec./Jan. 2007, pp. 33-38	1
	—	web pages from the U.S. Patent and Trademark Office website regarding listing of patents for sale or license in the Official Gazette (OG), obtained at www.uspto.gov, printed on January 19, 2007, 3 pages.	2
	—	web pages of Shop4patents.com, obtained at www.shop4patents.com,	3
	—	web pages of Free Patent Auction, printed on January 19, 2007, 2 pages obtained at www.freepatentauction.com,	4
	—	printed on January 19, 2007, 4 pages	5
	—	web pages of Idea Trade Network, obtained at www.newideatrade.com,	6
	—	"New Lawsuits", Techno Bytes, Intellectual Property Today, May, 2005, page 18	

Examiner Signature James Zurita Date Considered 5/13/07

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† Applicant's unique citation designation number (optional). ‡ Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1480, Alexandria, VA 22313-1480. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1480, Alexandria, VA 22313-1480.

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		Application Number	09/724,744
		Filing Date	11/28/00
		First Named Inventor	PIENKOS, JOHN T.
		Art Unit	3625
		Examiner Name	ZURITA, JAMES H.
Sheet 2 of 4	Attorney Docket Number		

NON PATENT LITERATURE DOCUMENTS			
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JE	-	"The Copyright & Patent Wars", Jim Pinto, obtained at <a href="http://www.automation.com">www.automation.com</a> , printed on January 18, 2007, original publication date unknown, 4 pages	7
	-	"6E Fancie Settles With Solara Over 318 patent", obtained at <a href="http://www.managingautomation.com">www.managingautomation.com</a> , dated March 10, 2005, printed on January 18, 2007, 2 pages	8
	-	"Ebay v. Merc Exchange: The Law of Patent Injunctions", obtained at <a href="http://patentlaw.typepad.com/potent">patentlaw.typepad.com/potent</a> , dated 3/14/06, printed 1/22/07, 10 pgs.	9
	-	"Delphion Updates Web Site, Enables Access to Derwent World Patents Index", Nancy Lambert, dated March 19, 2001, obtained at <a href="http://newsbreaks.infotoday.com">newsbreaks.infotoday.com</a> , printed January 22, 2007, 2 pages	10
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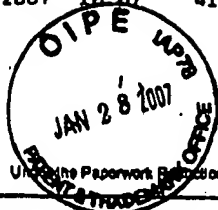
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		Filing Date	11/28/00
		First Named Inventor	PIENKOS, JOHN T.
		Art Unit	3625
		Examiner Name	ZURITA, JAMES H.
Sheet 3 of 4	Attorney Docket Number		

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✓	-	webpages of Davison, Inc., obtained at www.davison54.com, printed on January 23, 2007, 4 pages.	12
	-	web page of M. CAM, Inc., obtained at www.m-cam.com, printed on January 23, 2007, 1 page	13
	-	"The Capital Gang - What's the state of capital in the state capital?", dated May 17, 1999, obtained at www.dominionpartners.com, printed on January 22, 2007, 4 pages	14
	-	biography of Dr. David E. Martin, speaker at "Ten Years Hence" speaker series at Univ. of Notre	15
	-	"Measuring Innovation & IPQ Dame, obtained at www.dadady.com, Releases the 2006 Patent printed on January 23, 2007, 2 pages	16
	-	Scorecard," dated May 10, 2006, obtained at www.prweb.com, printed on January 23, 2007, 2 pages	17
	-	"IPotential Launches Patent Brokerage Service, Bringing Liquidity to Patent Marketplace", Businesswire, dated July 27, 2005, obtained at www.findarticles.com, printed on January 23, 2007, 2 pages	18
	-	"Get it now from Ebay, hostage to the patent trolls", Patti Waldmeir, FT.com, dated March 16, 2006, printed 1/23/07, 2 pages	

Examiner Signature	James Zurita	Date Considered	5/13/07
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		Filing Date	11/28/00
		First Named Inventor	JOHN T. PIENKOS
		Art Unit	3625
		Examiner Name	ZURITA, JAMES H.
		Attorney Docket Number	
Sheet	1	of	5

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		First Named Inventor	JOHN T. PIENKOS
		Art Unit	3625
		Examiner Name	ZURITA, JAMES H.
Sheet	2	of	5
		Attorney Docket Number	

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27	J2	- web pages of University Technologies Int'l Inc., supposedly dated 2/18/1997 according to Internet Archive Wayback Machine, obtained at web.archive.org, printed on	
28		- web pages of University Technologies Int'l Inc., supposedly dated 2/17/07, 3/3/00 according to Internet Archive Wayback Machine, obtained at web.archive.org,	
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		- Search results page from Internet Archive Wayback Machine regarding www.rctech.com, obtained at web.archive.org on	

Examiner Signature	James Zurita	Date Considered	5/13/07
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1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/58/08b (06-06)

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Substitute for form 1449B/PTO		Complete if Known		FAX RECEIVED FEB 20 2007 OFFICE OF PATENTITIONS
INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (Use as many sheets as necessary)		Application Number	09/724,744	
		Filing Date	11/28/00	
		First Named Inventor	JOHN T. PIENKOS	
		Art Unit	3625	
		Examiner Name	ZURITA, JAMES H.	
Sheet 3 of 5	Attorney Docket Number			

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.†	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T*
34 JZ	-	web pages of Research Corporation Technologies, supposedly dated 12/2/98 according to Internet Archive Wayback Machine, obtained at web.archive.org, printed on 2/17/07	
35	-	web pages of Research Corporation Technologies, supposedly dated 12/30/96 according to Internet Archive Wayback Machine, obtained at web.archive.org, printed on 2/17/07	
36	-	web pages of Research Corporation Technologies, supposedly dated 11/17/00 according to Internet Archive Wayback Machine, obtained at web.archive.org, printed on 2/17/07	
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38	-	web pages of BTG, obtained at www.btgplc.com, printed on 2/15/07, 5 pgs.	
39 V	-	search results page from Internet Archive Wayback Machine regarding www.btgplc.com, obtained at web.archive.org on 2/17/07	

Examiner Signature	James Zurita	Date Considered	5/13/07
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		Application Number	09/724, 744		
		Filing Date	11/28/00		
		First Named Inventor	JOHN T. PIENKOS		
		Art Unit	3625		
		Examiner Name	ZURITA, JAMES H.		
Attorney Docket Number					
Sheet	4	of	5		

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Examiner Initials*	Cite No.†	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume/issue number(s), publisher, city and/or country where published.	T‡
40 JZ	-	"Intellectual Property Monetization", presentation dated 2005, Russell Barron, 8 pgs.	
41	-	"Latest Trends in IP Management", presentation dated 11/15/2006, Russell Barron, 12 pgs.	
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† Applicant's unique citation designation number (optional). ‡ Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1480, Alexandria, VA 22313-1480. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1480, Alexandria, VA 22313-1480.

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Substitute for form 1449B/PTO		Complete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		Application Number	09/724,744
		Filing Date	11/28/00
		First Named Inventor	JOHN T. PIENKOS
		Art Unit	3625
		Examiner Name	JAMES M. ZURITA
Sheet 2 of 1	Attorney Docket Number		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>1</sup>
49 ✓	-	"A Market for ideas", <u>The Economist</u> , October 22, 2005, pp. 1-14	
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Substitute for form 1449B/PTO		Complete If Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		Application Number	09/724,744
		Filing Date	11/28/00
		First Named Inventor	JOHN T. PIENKOS
		Art Unit	3625
		Examiner Name	JAMES H. ZURITA
Sheet 1 of 1	Attorney Docket Number	—	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	2
53 H	1	home page of Mosaid Technologies Inc., obtained at <a href="http://www.mosaid.com">www.mosaid.com</a> , printed on 5/18/07, 1 page.	
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58	6	"Patent Pirates", obtained printed on 5/18/07, 1 page at <a href="http://www.forbes.com/forbes/2007/0507/04t-print.html">www.forbes.com/forbes/2007/0507/04t-print.html</a> (alternatively, at <a href="http://www.forbes.com/free_forbes/2007/0507/044.html?partner=yahoo_mog">www.forbes.com/free_forbes/2007/0507/044.html?partner=yahoo_mog</a> , dated 5/7/07, printed on 5/18/07, 2 pages.	

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US007272572B1

(12) **United States Patent**  
**Pienkos**

(10) **Patent No.:** **US 7,272,572 B1**  
(45) **Date of Patent:** **Sep. 18, 2007**

(54) **METHOD AND SYSTEM FOR  
FACILITATING THE TRANSFER OF  
INTELLECTUAL PROPERTY**

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(75) **Inventor:** **John Thaddeus Pienkos**, Milwaukee, WI (US)

**FOREIGN PATENT DOCUMENTS**

(73) **Assignee:** **Innovaport LLC**, Milwaukee, WI (US)

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(\*) **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 443 days.

(Continued)

(21) **Appl. No.:** **09/724,744**

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(51) **Int. Cl.**  
**G06Q 30/00** (2006.01)

(Continued)

(52) **U.S. Cl.** ..... **705/26**

**Primary Examiner**—James Zurita

(58) **Field of Classification Search** ..... **705/59**,  
**705/35**, **51**, **37**, **26-27**, **57**, **80**, **22**, **28-29**;  
**709/200**; **G06F 17/60**

(57) **ABSTRACT**

See application file for complete search history.

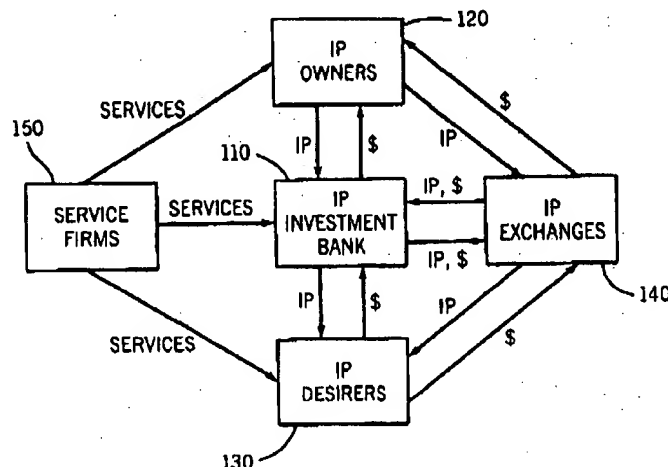
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A method and system for facilitating the transfer of intellectual property are disclosed. In one embodiment, the method of facilitating the transfer of intellectual property includes obtaining at a computer system of a first entity information concerning intellectual property in which an interest is available for transfer (the "available intellectual property") from a second entity. The method further includes transferring the interest in the available intellectual property by concluding an agreement between the first and second entities. The agreement is representative of an acceptance of an offer concerning the transferring of the interest in the available intellectual property and consideration for the transferring of the interest. At least a portion of the interest in the available intellectual property that is transferred to the first entity is intended to be transferred from the first entity to a third entity.

**20 Claims, 9 Drawing Sheets**



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computer system 210, and it is computer system 210 that interfaces with the website (or other computer interface) of IP exchange 140. Such specialized programming allowing for such coordinated operation of IPIB computer system 210 and computer system 240 of IP exchange 140 would be most easily developed jointly by the IP exchange in conjunction with IPIB 110. The specialized programming can, but need not, allow for coordination of the website of IPIB 110 with the website of website of IP exchange 140; rather, the programming need only allow IPIB computer system 210 to communicate with IP exchange computer system 240, by way of the internet, websites, or otherwise.

Turning to FIG. 3, a flow chart 300 is provided showing steps of operation of IPIB computer system 210 in relation to computer systems 220, 230 of IP owners 120 and IP desirers 130, respectively. The steps shown are exemplary and are especially applicable with respect to the preferred, internet-oriented embodiment of the IPIB computer system 210, although similar steps are readily applicable to other computer-based, or even non-computer based systems. Hereinafter, IPIB computer system 210 will be understood to include a web server, or at least operation in conjunction with a web server such as web server 290, such that the operation the website for IPIB computer system can be considered to be part of the operation of the IPIB computer system.

Most commonly, IP owners 120 and IP desirers 130 will contact IPIB 110 when they have IP that they are interested in selling, purchasing or licensing (or otherwise transferring) by visiting the website of IPIB computer system 210 by way of a standard browser or similar program. Thus, in step 310, IPIB computer system 210 receives initial contact from a visitor (e.g., computer systems 220, 230) at the website. Upon receiving this initial contact at the website, IPIB computer system 210 provides initial descriptive information regarding IPIB 110 to the visitor in step 315. Such information is provided because visitors to the website can have little or no knowledge of the purpose or functions of IPIB 110. In certain circumstances, steps 310 and 315 need not be performed because, for example, the visitor is in constant contact with IPIB computer system 210 or does not require descriptive information regarding IPIB 110.

Next, IPIB computer system 210 attempts to determine the identity and purpose of the visitor. In step 320, IPIB computer system 210 obtains identification information from the visitor to the website. Various information can be obtained in step 320. For example, identity information such as name or company name, address, email address and phone number can be obtained. Further (assuming that IPIB computer system 210 is configured to receive visits from both IP owners 120 and IP desirers 130), it will be important to obtain information regarding whether the visitor has IP that the visitor is interested in licensing or selling (e.g., identifying the visitor as an IP owner), or whether the visitor is interested in licensing or purchasing IP from the IPIB (e.g., identifying the visitor as an IP desirer). To obtain a variety of types of identification (and purpose) information from the visitor, IPIB computer system 210 can prompt the visitor with a series of questions, to which the visitor is requested to provide answers.

Alternatively, IPIB computer system 210 can provide an on-line questionnaire with one or more fields for data entry from the visitor. Upon obtaining such identity information, IPIB computer system 210 optionally can provide the visitor with a special identification (e.g., a username and password) in step 325, which would simplify the identification process during repeat visits (e.g., by allowing a simple login pro-

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cess). Thus, during repeat visits, the visitor could simply enter the special identification in place of the usual identification information (in such cases, step 325 would be skipped). In certain other circumstances, no identification information is required from the visitor (and both steps 320 and 325 are unnecessary), for example, where IPIB computer system 210 maintains constant communication via a direct link with the visitor.

Once the visitor has been identified, in step 330 IPIB computer system 210 obtains information regarding the nature of the IP the visitor wants to sell, purchase or license. In the case where the visitor is an IP owner 120 (step 330(a)), IPIB computer system 210 obtains information identifying the IP that the IP owner is interested in licensing or selling—for example, in the case of a patent, the patent number, the filing (or issue) date of the patent (e.g., time until expiration of the patent), and/or the inventor can be specified, among other information. Additionally, in the preferred embodiment, IPIB computer system 210 attempts to obtain more specific information summarizing or otherwise indicating the nature of the technology covered by the IP, and the potential products or markets that can be covered by the IP. That is, the nature of the IP refers to, for example, the identity, type, and technological/product/market scope of coverage of the IP assets that are available for transfer, although the nature of the IP is not necessarily limited to these particular concepts.

The information concerning the nature of the IP can allow various determinations to be made by IPIB 110 (either by an employee of the IPIB or automatically by IPIB computer system 210), such as determinations regarding the potential value of the IP, and determinations as to what type of transfer from IP owner 120 to the IPIB would be most appropriate (e.g., license or sale). In the case where the visitor is an IPIB desirer 130 (step 330(b)), IPIB computer system 210 obtains information regarding the type of IP asset and/or the type of technology that the IP desirer is interested in purchasing or licensing. This information will also allow various determinations to be made by IPIB 110, such as determinations regarding whether the IPIB owns or is currently licensing IP that covers this type of technology.

In performing step 330, IPIB computer system 210 preferably prompts the visitor with a series of questions regarding the nature of the IPIB that the visitor wants to sell, purchase or license. Alternatively, other forms of data entry are possible; for example, IPIB computer system 210 can provide an on-line questionnaire with one or more fields for the entry of specific data by the visitor, or merely an "open space" in which the visitor can enter whatever information the visitor wants. IPIB computer system 210 can employ graphical user interfaces (GUIs), and also can utilize data entry formats that are personalized for particular users. Further, although obtaining such information via the website of IPIB computer system 210 is the preferred method of operation, the information can also be communicated to the IPIB computer system by having IP owner 120 or IP desirer 130 mail in such information (or otherwise provide such information in another manner) and having an employee of the IPIB input such information at user interface 212. Additionally, in certain circumstances, step 330 need not be performed at all. For example, step 330 need not be performed every time a particular IP owner 120 or IP desirer 130 repeatedly logs into IPIB computer system 210, if the information has already been provided during an earlier visit of the IP owner or IP desirer to the website. In such case, the visitor can simply check a box (or potentially need not do

tance response plus additional comments. (Similarly, in another embodiment, IPIB computer system 210 would be able to provide an acceptance, in response to the objections of the visitor, along with minor comments to the visitor.)

Once an agreement has been reached between the visitor and IPIB 110, payment can be automatically made. In the case of an agreement between IPIB 110 and IP owner 120, a payment is made from the IPIB to the IP owner, in step 370(a). In the case of an agreement between IPIB 110 and IP desirer 130, a payment is received by the IPIB from the IP desirer, in step 370(b). Such payments can be made via the internet by way of standard credit card transactions (if the payments are small enough), particularly in the case of IP desirer 130 paying IPIB 110. In such case, payment includes the receiving of a credit card number (and related information) by IPIB 110 from IP desirer 130, and the debiting of the credit card (in the case where IPIB) 110 was using a credit card to pay IP owner 120, IPIB would provide the IP owner with a credit card number and related information). Commonly, the payments are too substantial to be handled using a credit card. In such case, information such as a bank account number and/or routing number can be provided by IPIB 110 to IP desirer 130 or, in the case of a transfer of IP between IP owner 120 and the IPIB, such information is received by the IPIB. Payment in step 370 can include other payment methods known in the art. In the case where IPIB 110 is sublicensing IP that it has licensed from IP owner 120, the IPIB often will not be required to make any royalty payments until such time as an IPIB desirer 130 pays royalties. In such cases, payment step 370 does not occur immediately or even soon after the conclusion of a licensing agreement between IP owner 120 and IPIB 110. Further, many alternate payment methods are possible besides electronic payment, and in some cases no payments will be made (e.g., a gift of IP) making step 370 unnecessary.

Turning to FIG. 4, a flow chart 400 is provided showing steps of operation of IPIB computer system 210 in relation to computer systems 240 of IP exchange 140. The steps shown are exemplary and are especially applicable with respect to the preferred, internet-oriented embodiment of the IPIB computer system 210 (since present-day IP exchanges are predominantly internet-based), although similar steps are readily applicable to other computer-based, or even non-computer based systems. At present, the different IP exchanges have websites that are complicated to use, and which vary substantially in their operation from website to website. Consequently, to interact with the websites of IP exchanges 140, it is necessary at present to have an employee of IPIB 110 conduct (or at least monitor) the internet-based interfacing with the websites of the IP exchanges. This is typically performed by having the employee log onto the websites via user interface 212 of IPIB computer system 210. In the future, as IP exchanges 140 become easier to use (and more standardized), IPIB computer system 210 will be able to interact with the websites of IP exchanges 140 automatically. If special software is developed, IPIB computer system 210 will not need to interface with the websites of IP exchanges 140, but rather will interface with IP exchange computer systems 240 directly.

IPIB computer system 210 typically interacts with IP exchanges 140 in an effort to find buyers or licensees (or sublicensees) for IP that was purchased or licensed by IPIB 110 from IP owners 120, or in an effort to purchase or license IP from IP owners via the IP exchanges. In order for IPIB computer system 210 to interface with a given IP exchange 140, IPIB 110 typically must have already registered as a

member (e.g., must have already purchased or otherwise obtained a "seat" on the IP exchange). Assuming that IPIB 110 has registered with IP exchange 140, IPIB computer system 210 initially contacts the IP exchange computer system 240 in step 410 to begin interfacing with IP exchange 140 (typically, contact will be established by an employee of IPIB 110 by way of an internet browser operating on the IPIB computer system). Upon contacting IP exchange computer system 240, IPIB computer system 210 provides identification so that it can gain access to (e.g., login to) the IP exchange computer system, in step 415. Such identification can consist of a username and/or password (or similar identification information) provided to IPIB 110 during its registration on the IP exchange. Such initial contact or identification need not be established in certain circumstances where IPIB 110 is constantly in communication with IP exchange 140.

Upon accessing IP exchange computer system 240, IPIB computer system 210 typically has the right to post information onto the IP exchange computer system regarding IP owned, or IP rights possessed, by IPIB 110 (which is typically added to a searchable database maintained by the IP exchange). Thus, if IPIB 110 has IP that it wishes to sell or license, IPIB computer system 210 submits information to IP exchange computer system 240 in step 420(a). Also upon accessing IP exchange computer system 240, IPIB 210 typically has the right to search through information stored on the database(s) of IP exchange 140, which includes information regarding IP which is being offered, on the IP exchange, for sale or license by third parties (IP owners 120). Thus, if IPIB 110 is looking to obtain certain IP, IPIB computer system 210 obtains IP information in step 420(b). The obtaining of information by IPIB computer system 210 in step 420(b) can include three substeps. First, the IPIB computer system 210 sends search requests concerning the attributes of desired IP to IP exchange computer system 240. Next, IPIB computer system 210 receives search results from IP exchange computer system 240. Third, IPIB computer system 210 processes the search results to determine if desired IP has been found to be up for sale or license on IP exchange 140. If not, IPIB computer system 210 can return to the first substep to send new or modified search requests (or the IPIB computer system can conclude that no desired IP is available on IP exchange 140).

The information submitted by IPIB computer system 210 in step 420a typically includes descriptive information regarding the nature of the IP that IPIB 110 has available to be sold, licensed (or otherwise transferred). Likewise, the information obtained by IPIB computer system 210 in step 420b typically includes descriptive information regarding the nature of the IP that is available on IP exchange 140. As with respect to step 330 (of FIG. 3), the descriptive information can range from specific identification information (e.g., patent number or title) to more explanatory information (e.g., a summary of the technology covered by the IP). However, the submitted and obtained information can also include information regarding the particular IP rights that are or have been placed up for transfer on IP exchange 140 (as with respect to step 340 of FIG. 3). Thus, step 420(a) can be separated into two substeps concerning submissions of each of these types of information. Likewise, step 420(b) can be separated into obtaining information regarding certain IP assets that are available on IP exchange 140, and obtaining refined information regarding the actual IP rights that are available on the IP exchange. In the case where step 420(b) includes the three substeps described above, these three substeps can be iteratively performed with respect to obtain-

provide payment, in step 450(b). As with respect to step 370 of FIG. 3, it is not necessarily the case that payment must be made immediately upon the conclusion of an IP transfer agreement. Some IP exchanges 140, however, can have strict requirements as to payment following the concluding of agreements. This is particularly the case since many IP exchanges 140 obtain a commission or other fee upon the conclusion of such agreements. Thus, in step 450(a), IPIB computer system 210 can receive electronic payment (after providing a bank account, or routing number, to IP exchange computer system 240, or receiving a credit card number from the IP exchange computer system, etc.) or payment in some other fashion. Further, in step 450(b), IPIB computer system 210 can provide payment, which can include providing information for electronic transfer to the IP exchange computer system 240 (which can then provide the information to IP owner 120), and paying both the IP owner from whom IPIB 110 is obtaining IP and IP exchange 140.

Referring to FIG. 5, flow charts 501-503 are provided in FIGS. 5(a)-5(c), respectively. Flow charts 501-503 show additional exemplary steps of IPIB computer system 210 in relation to computer systems 220, 230 and 240 of IP owners 120, IP desirers 130 and IP exchanges 140. In particular, flow charts 501-503 indicate that steps of flow charts 300, 400 of FIGS. 3-4 can be combined into a single method of operation of a IPIB computer system 210 that interacts with all of IP owners 120, IP desirers 130 and IP exchanges 140 simultaneously, in rapid succession, or in a completely automatic manner. Indeed, in a preferred embodiment of the invention, IPIB computer system 210 is capable of automatically interacting with computer systems 220, 230 and 240 of IP owners 120, IP desirers 130 and IP exchanges 140 and conducting IP transfer (including the communication of necessary information and the initiation and concluding of transactions involving the licensing, sale and purchase of IP) between IPIB 110 and each of the IP owners, IP desirers and IP exchanges.

Flow chart 501 of FIG. 5(a) shows several substeps that, in certain embodiments of the present invention, can be included within step 335(a) of FIG. 3. As discussed, step 335(a) concerns the processing of information from IP owner 120 regarding the nature of IP that is available for transfer. In step 510 of flow chart 501, IPIB computer system 210 checks the status of the IP that is identified in the information from IP owner 120 (e.g., possibly the validity status of a patent, the assignment status, etc.) to confirm that the IP is sound. Performing this status check can require consulting one or more database(s) or other information sources, including database(s) that are and are not part of IPIB computer system 210. Next, in step 515, a market analysis of the IP is conducted, e.g., an analysis of the markets for products that are covered by the IP. Such an analysis can require careful scrutiny of the scope of the IP, and again can require consulting multiple database(s) and also the expertise of individuals both inside and outside IPIB 110. Further, in step 520, a database within IPIB computer system 210 (e.g., part of memory 216) is checked to determine whether any IP desirers 130 have inquired, in the (recent) past, about the type of IP currently being identified by IP owner 120. All of this information can be of use to IPIB computer system 210 (and any employees of IPIB 110 who are directing the IPIB computer system) in determining the value of the IP available for transfer from IP owner 130 in step 525. If the IP is determined to have sufficient value, IPIB computer system 210 proceeds to step 340(a) of flow chart 300; however, if the IP is determined to have insufficient value, IPIB computer system 210 provides an indication

to IP owner 120 that IPIB 110 does not (at this time) have an interested in buying or licensing this IP.

Flow chart 502 of FIG. 5(b) shows several substeps that, in certain embodiments of the present invention, can be included within step 335(b) of FIG. 3. As discussed, step 335(b) concerns the processing of information from IP desirer 130 regarding the nature of IP that the IP desirer wishes to obtain from IPIB 110. As shown, IPIB computer system 210 begins the processing by checking a database (e.g., within memory 216 of the IPIB computer system) of all IP held by IPIB 110 for IP that meets the specifications from IP desirer 130 (provided to the IPIB computer system in step 330(b)). If it is determined that IPIB 110 owns or has license rights to IPIB that meets the specifications of IP desirer 130, IPIB computer system 210 proceeds directly to step 560, and therefore proceeds directly to step 340(b) of FIG. 3 (since IPIB 110 has appropriate IP to satisfy the needs of the IP desirer). If no relevant IP is found in step 540, flow chart 502 proceeds to step 545, in which a database of IPIB computer system 210 (e.g., again typically within memory 216 of the IPIB computer system) is checked to determine if IP owners 120 have inquired about transferring to IPIB 110 the IP currently desired by IP desirer 130.

If such an inquiry was made (but IPIB 110 did not end up purchasing or licensing the IP in response to the inquiry), IPIB computer system 210 contacts IP owner 120 who had made the inquiry, in step 550. Such contact can be made by sending an email message to IP owner 120, or by way of other forms of communication (including non-electronic forms of communication). In some circumstances, IPIB 110 will (upon making contact with IP owner 120) be able to obtain the desired IP, possibly by way of the steps in flow chart 300. If the desired IP is obtained, IPIB computer system 210 proceeds also to step 560, to proceed with the sale or licensing of the newly-obtained IP to IP desirer 130 (in step 340(b) of FIG. 3). However, if it is determined in step 545 that an inquiry regarding the desired IP was not obtained, or if it is not possible to obtain the desired IP in step 550, then IPIB computer system 210 proceeds to step 555, in which the IPIB computer system checks with IP exchange computer system 240 to determine if the desired IP is available on IP exchange 140. To perform step 555, IPIB computer system 210 performs the steps of flow chart 400 (including step 420(b)). If the desired IP is then obtained by IPIB 110 via IP exchange 140, IPIB computer system 210 again proceeds to step 560, to proceed with the sale or licensing of the newly-obtained IP to IP desirer 130. However, if the desired IP is not obtained by IPIB 110 via IP exchange 140, then IPIB computer system 210 in step 565 provides an indication to IP desirer 130 that IPIB 110 does not have available the desired IP.

Flow chart 503 shows several steps that, in certain embodiments of the present invention, can follow (or be added to) the steps of flow chart 300. Once new IP is purchased or licensed by IPIB 110, information regarding the IP is stored within memory 216 of IPIB computer system 210, in step 570. The information can be generated by IPIB computer system 210, or can come from outside sources or even include the information obtained from IP owner 120, for example information obtained in step 330(b) of flow chart 300. (Other information can also be stored in IPIB computer system 210. For example, as IP owners 120 and IP desirers 130 contact and interact with IPIB computer system 210, information can be stored regarding the IP owners and IP desirers and their actions as well; such information can be utilized in various operations of IPIB computer system 210, such as that of step 545 of flow chart 502.) IPIB computer

3. The method of claim 1, wherein the at least one aspect that is verified in (d) is selected from the group consisting of an ownership status and a validity status of the patent asset.

4. The method of claim 1, wherein the conditions for transfer in (f) include at least one of a price, a royalty rate, another payment indication, and a condition identifying which of the first party's property rights are to be transferred, and

wherein the conditions for transfer in (h) include at least one of a price, a royalty rate, another payment indication, and a condition identifying which of the intermediary's property rights are to be transferred.

5. The method of claim 4, wherein the at least some of the first party's property rights that are transferred include at least one of a full assignment and a first license, and wherein the at least some of the intermediary's property rights that are transferred include at least one of a full assignment, the first license and a second license, and wherein each assignment and license includes a respective set of associated property rights.

6. The method of claim 5, wherein each license is selected from the group consisting of an exclusive license, a non-exclusive license, a license of limited duration in time, a license that is limited to a geographical region, a license in which there are limitations on sublicensing, a license in which sublicensing is authorized, a sublicense, and a license including a field of use restriction.

7. The method of claim 1, further comprising at least one of:

prior to (f), obtaining additional information regarding an extent of the first party's patent rights that the first party is interested in transferring to the intermediary; and, prior to (h), obtaining further information regarding an extent of the intermediary's patent rights that the second party is interested in having transferred from the intermediary.

8. The method of claim 1, wherein the interface includes at least one field for receiving input information, wherein at least a portion of at least one of the identification information, the first information, the conditions for transfer in (f), the conditions for transfer in (h), the agreement of (g), and the agreement of (i) is received by way of the at least one field of the interface via an internet-type network.

9. The method of claim 8, wherein the computer system of the intermediary includes a server hosting a website, and wherein the website hosted by the server provides a plurality of web pages that form at least a portion of the interface.

10. The method of claim 1, wherein at least one of the following is true:

at least a portion of at least one of the identification information, the first information, the conditions for transfer in (f), the conditions for transfer in (h), the agreement of (g), and the agreement of (i) is obtained by the intermediary by at least one of prompting a user to answer a question, providing a selectable item, and providing an open entry space into which the user can provide a submission, and

wherein the intermediary receives username and password information from the first and second parties by way of the interface.

11. The method of claim 1, wherein the intermediary is an investment bank for which facilitating intellectual property transfers is a primary business purpose, and wherein the intermediary facilitates at least one additional transfer of at least one additional property interest in at least one addi-

tional patent asset between at least one additional first party and at least one additional second party.

12. The method of claim 1, wherein at least one of following is performed by way of the computer system of the intermediary: the verifying of the at least one aspect of the property rights; the evaluation; preparing of the agreement resulting from the negotiating of (f); and preparing of the agreement resulting from the negotiating of (h).

13. The method of claim 1, wherein at least some of (a)-(i) are performed by at least one human being and do not involve the web.

14. The method of claim 13, wherein the evaluation is performed at least in part by an employee of the intermediary, and wherein the intermediary is in communication with at least one of the first and second parties by way of at least one email message.

15. The method of claim 1, wherein the intermediary interacts with an exchange entity to at least one of browse information available at the exchange entity, and retrieve information from the exchange entity, place a first bid in relation to the exchange entity, and respond to a second bid communicated via the exchange entity.

16. The method of claim 15, wherein the computer system of the intermediary is in communication with an additional computer system of the exchange entity, and

wherein the computer system of the intermediary employs software facilitating interactions with the additional computer system of the exchange entity.

17. The method of claim 1, further comprising at least one of:

(i) comparing at least one of the technological scope of the patent asset, the product coverage of the patent asset, and the market for products covered by the patent asset with additional information received from a plurality of parties concerning needs of those parties relating to patent rights;

(ii) comparing a first description of a need of at least one additional party relating to patent rights with further information received from a plurality of further parties concerning patent assets available for transfer from those parties; and

(iii) consulting at least one of a public database and a private database to identify an owner of a desired patent asset and, upon identifying the owner, contacting the owner.

18. A method of facilitating an overall transfer of at least one property interest in a patent asset between first and second parties by way of the Web, the first and second parties each being a respective corporate entity, the method comprising:

(a) providing an interface by way of a computer system of an intermediary by which at least one of the first and second parties can communicate with the intermediary;

(b) receiving identification information from at least one of the first and second parties by way of at least one of the web, the internet, a mail delivery, a telephone connection and another communication linkage;

(c) obtaining first information concerning the patent asset, wherein the first information includes at least one of a number identifying the patent asset, a filing date, an issue date, expiration information, descriptive information concerning a technical subject matter of the patent asset, product information regarding a product that is within a scope of the patent asset, and market information regarding a market to which the patent asset pertains;